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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,823	07/11/2005	Danuta Cioek	P70681US0	6121
136	7599	06/02/2008		EXAMINER
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			ART UNIT	PAPER NUMBER

DATE MAILED: 06/02/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10541823	7/11/2005	CIOK ET AL.	P70681US0
EXAMINER			
MELANIE J. HAND			
ART UNIT	PAPER		
3761	20080525		

DATE MAILED:

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Commissioner for Patents

1. The reply filed on March 11, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment to all of the independent claims to recite a separate layer of hydrophobic adhesive on the second surface of the claimed adhesive wafer/sealing member renders all claims drawn to an invention that was not originally presented or examined on the merits. Applicant's specification describes this separate adhesive layer on page 8, lines 16-25 as a feature of an embodiment that does not have a carrier sheet present on a portion of the second surface of the claimed wafer/sealing member, contrary to what is recited in claim 1. With regard to independent claims 48, 50 and 51, these claims did not originally recite a carrier sheet when examined on the merits. However, none previously recited said separate layer of hydrophobic adhesive, either. The embodiment having a separate layer of adhesive and the embodiment not having a separate layer of hydrophobic adhesive and instead relying on the integral adhesive on the second surface of the adhesive wafer/sealing member are physically mutually exclusive and thus represent distinct inventions. If claims directed to the three embodiments were originally presented, they would have prompted an election of species requirement. See 37 CFR 1.111. This leaves no claims to be examined as all pending claims directly or ultimately depend from the amended independent claims that have been constructively non-elected by original presentation.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Melanie J Hand/  
Examiner, Art Unit 3761